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C O N F I D E N T I A L SECTION 01 OF 02 KATHMANDU 000565

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SUBJECT: NEPAL'S FOREIGN SECRETARY REPORTS BILATERAL
AGREEMENT ON BHUTANESE REFUGEES

REF: A. (A) KATHMANDU 0228

[1](#)B. (B) KATHMANDU 0287

[1](#)C. (C) NEW DELHI 1470

Classified By: DCM ROBERT K. BOGGS. REASON: 1.5 (B,D).

SUMMARY

[1](#)1. (C) Foreign Secretary Madhu Raman Acharya told the Ambassador and DCM on March 28 that the Governments of Nepal and Bhutan have reached agreement on a formula for the repatriation or resettlement of an initial tranche of 12,000 Bhutanese refugees living in eastern Nepal. Under the agreement, more than half of the refugees will be repatriated to Bhutan and offered a chance to reapply for citizenship, while one-third will be offered the option of remaining in Nepal and applying for Nepali citizenship. Acharya admitted that many important modalities of the agreement remain to be worked out and said that the Government of Nepal (GON) is relying to a large degree on Bhutan's "good faith" for implementation. He asked friendly foreign governments to maintain pressure on Bhutan to ensure it fulfills its commitments under the agreement. End summary.

MINISTERIAL YIELDS RESULTS

[1](#)2. (C) On March 28 Foreign Secretary Madhu Raman Acharya provided the Ambassador and DCM with a confidential briefing on the outcome of the ministerial meeting that began March 24 in Thimpu. (Note: Acharya said he had briefed the Indian Ambassador the previous day.) The two governments have reached agreement on the eligibility of an initial batch of 12,000 Bhutanese refugees (out of a total 100,000) for repatriation to Bhutan, Acharya reported. (Note: The two governments had previously agreed to classify the refugees according to four categories: those forcibly evicted from Bhutan; those who left voluntarily; non-Bhutanese; and criminals. Bhutan had agreed to accept back all those who had been forcibly evicted from Bhutan. Disagreement persisted, however, over the kind of evidence needed to establish forcible eviction. End note.) The Government of Nepal (GON), in order to spare Bhutan the embarrassment of acknowledging that most of the refugees interviewed so far would qualify as having been forcibly evicted, agreed to apply only the strictest standards of evidence (i.e., official GOB documents ordering individuals to leave the country) for inclusion in the first category. In return, however, the GOB agreed to accept those who left Bhutan "voluntarily" for repatriation, with the proviso that they must reapply for Bhutanese citizenship after they return. Significantly, the Bhutanese pledged in writing to provide undefined "means of livelihood" to the returning refugees.

[1](#)3. (C) Of the 12,000 Bhutanese refugees interviewed for categorization in December 2001, Acharya said the two governments agreed that only .50 percent will qualify as members of Category I (those forcibly evicted). On the other hand, 66.5 percent will qualify as members of Category II (those who left voluntarily) and will thus be eligible for repatriation, if desired, to Bhutan. Members of Category III (non-Bhutanese) will comprise 30.5 percent and will be offered the option of applying for Nepali citizenship and resettling in Nepal. Criminals will constitute the remaining 2.5 percent. The GOB stipulated that it will not accept any "political" criminals for repatriation (which, we understand from refugee groups, means virtually everyone in this category). Acharya did not specify whether the GON had agreed to allow members of the fourth category to apply for citizenship. He added that GOB and GON representatives would travel to the refugee camp in eastern Nepal to advise the residents of the results of the categorization exercise and to distribute applications for Bhutanese citizenship to those who qualify for repatriation. Those not accepted for repatriation will be allowed to appeal the determination, Acharya said. (Note: Acharya did not/not mention possible resettlement in the U.S. as an option for members of any category. End note.)

14. (C) Another ministerial will be held on May 11 in Kathmandu to validate formally the categorization results, Acharya said. Thereafter, the same procedure used for categorization in this initial tranche will be replicated in the remaining camps, Acharya said. Left unresolved, he cautioned, is the role of the UNHCR in resettlement/repatriation. The GON has no problem with UNHCR involvement, he stressed, and expects its support in resettlement activities within Nepal, but the GOB does not want the UNHCR involved in repatriation. Acharya added that he suspects Bhutan will seek foreign funding to help defray repatriation costs, but would not welcome foreigners' involvement in actual repatriation efforts.

RELYING ON BHUTAN'S "GOOD FAITH"

15. (C) The DCM and Ambassador both welcomed the progress. The DCM noted that many unresolved questions remain, however, a point Acharya readily acknowledged. If, for example, the initial batch of returnees to Bhutan is treated poorly, the DCM suggested, word will certainly filter back to the camps, thereby possibly discouraging the remaining refugees' decisions from applying for repatriation. Acharya agreed, adding that the GON was relying to a large degree on the "good faith" of the GOB that the agreement will be implemented as envisioned. He noted that the Bhutanese King had assured the Nepali delegation to the recent ministerial in Thimpu that the agreement has his full support and that he expects the first camp to be emptied by the end of 2003. Nonetheless, Acharya said, the GON is counting on friendly nations to maintain pressure on the GOB to fulfill its commitments as agreed. Indian National Security Advisor Brajesh Mishra is traveling to Thimpu soon, Acharya added, to give the Bhutanese "a little push" in the right direction.

COMMENT

16. (C) After such a long hiatus, the two governments' final agreement on the nettlesome question of categorization is indeed welcome. Besides the matter of the UNHCR's role, many important (and potentially divisive) questions remain, however, such as where in Bhutan the refugees will be resettled and what will happen to repatriated refugees if the GOB denies them citizenship. Like the GON, we believe it crucial that the international community, especially those with strong regional ties (like India) or a significant aid program (like the EU) maintain pressure on the GOB to ensure the agreement is properly implemented.
MALINOWSKI